

### The Parent Application Restriction Requirement

Claims 1 to 48 of the U.S. Utility Application Serial No. 09/645,055, which is the “parent application” of the instant application, were subject to a Restriction Requirement in Paper No. 4, mailed on May 4, 2001. Therein, the claims were divided into the following four groupings under 35 U.S.C. § 121:

- I. Claims 1-18 and 22-38 and 48, drawn to a method of constructing a profile of intronic regions from a given taxonomic group of organisms and characterizing a target organism suspected of being a member of a given taxonomic group involving amplification, classified in class 435, subclass 91.2.
- II. Claims 19 and 39, drawn to a method to produce protein and antibody, classified in class 530, subclass 350/388.1.
- III. Claims 20-21 and 40-41, drawn to a method of assaying enzymatic activity, classified in class 435, subclass 7.1.
- IV. Claims 42-47, drawn to an isolated nucleic acid comprising a sequence of nucleotides from nucleotides positions 31-1489 of SEQ ID NO: 29, positions 31-1465 of SEQ ID NO: 33, positions 42-1013 of SEQ ID NO: 37, positions 32-321 of SEQ ID NO: 41, positions 42-1009 of SEQ ID NO: 45 and positions 31-1423 of SEQ ID NO: 55, classified in class 536, subclass 22.1.

### The Claim Amendments

Claims 3-4 and 10-18 of the parent application (which were classified in Group I above) were allowed, and the issue fee was paid on June 5, 2003. The amendments contained herein are presented for the purpose of reintroducing the remaining Group I claims, i.e. claims 22-38 and 48, for further prosecution. These claims were canceled in the parent application for the sole purpose of facilitating issuance. Applicant respectfully requests that these claims are now examined in the instant application.

## CONCLUSION

In light of the above amendments and remarks, the Applicant respectfully requests that the Examiner prosecute this application on the merits. The Examiner is invited to call the undersigned attorney at 212 790-6240 if a telephone call could help resolve any remaining items. Please charge the required fee, estimated to be \$375.00, and any additional fees, to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

Respectfully submitted,

**PENNIE & EDMONDS** LLP

Date: June 25, 2003

By:



Laurie A. Axford  
Reg. No.: 35,053